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RULES

AND

ARTICLES of WAR;

For the better Government of His Maj
esties ARMY in the Kingdom of
SCOTLAND.

Published by His Majesties Command.

Ex Malls-Moribus Bonz Leges.



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RULES and ARTICLES**For the better Government of
His Majesties Forces in
SCOTLAND.****JAMES R.****Article I.**

ALL Officers and Soldiers (not having just impediment) shall diligently frequent Divine Service and Sermon, at such time and in such places as shall be appointed for the Regiment, Troop or Company, wherein they serve ; and such as either wilfully or negligently absent themselves from Divine Service or Sermon; or else being present, do behave themselves unbecomingly or irreverently, during the same : If they be Officers, they shall severely be reprehended at a Court-Martial; But if private Soldiers, they shall for every such first offence, forfeit each man Twelve pence, to be deducted out of their next

pay: And for the second Offence shall forfeit Twelve pence, and be laid in Irons for twelve hours; and for every like offence afterwards shall suffer and pay in like manner.

2. During the time of Divine Service, publick Prayers and Sermon as aforesaid; if any Sutler or Seller of Ale, Beer, Wine, or other sort of Drinks, Bread, Victuals or other Commodities, or Merchandize whatsoever, attending the Army, shall put or set any such thing to sale, he shall forfeit the full value thereof for the use of the poor.

3. Whosoever shall use any unlawful Oath or Execration, whether Officer or Soldier, shall incur the same penalty that is exprest in the first Article.

4. If any Officer or Soldier, shall presume to Blaspheme the Holy and Undivided Trinity, or the Persons of God the Father, God the Son, or God the Holy Ghost, or shall presume to speak against any known Article of the Christian Faith, he shall have his Tongue bored through with a red hot Iron.

5. If any Officer or Soldier shall abuse or prophane, any place Dedicated

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ed to the Worship of God, or shall offer violence to any Minister or Chaplain of the Army, or other Minister of Gods Word, he shall suffer such punishment as shall be inflicted on him by a Court-Martial.

But whoever shall take away any of the Utensils or Ornaments belonging, or Dedicated to Gods Worship, in any Church or Chappel, shall suffer death for the Fact.

6. All Officers and Soldiers of what quality or condition soever shall take the following Oath, which shall be administered to them at their first Muster, and entrance into His *Majesties* pay, and at such other times, and by such person or persons, as His *Majesty*, His General, Lieutenant General, or Commander in Chief of the Forces for the time being, shall appoint.

The Oath of Fidelity to be taken by every Officer or Soldier in the Army.

I A. B. Do swear to be true and faithful to my Sovereign Lord King JAMES,

JAMES, and to His Heirs and lawful Successors, and to be obedient in all things, to his General, Lieutenant-General, or Commander in Chief of His Forces for the time being, and will behave my self obediently towards my superior Officers, in all they shall command me for His Majesties service: And I do further swear, That I will be a true, faithful and obedient servant and Soldier, every way performing my best endeavours for His Majesties service, obeying all Orders, and submitting to all such Rules and Articles of War, as are, or shall be Established by His Majesty: And I do likewise swear, That I believe that it is not lawful upon any pretence whatsoever to take up Arms against the KING; And that I do abhor that traiterous Position of taking Arms by His Authority against his Person, or against those that are Commissionated by Him. So Help me GOD.

7. No Officer, or Soldier, shall use any Traiterous words against the Sacred Person of the KING's most Excellent Majesty, upon pain of Death.

8. Whoever shall hold Correspondence with any Enemy of His Majesty, or

or Rebel, or shal give them advice or intelligence, either by Letters, Messages, Signs or Tokens, or any manner of way whatsoever, shall suffer Death for it. And whatever Regiment, Troop or Company, shall Treat with such Enemy or Rebel, or enter into any Condition with them, without leave from His Majesty, His General, or the Officer in Chief for the time being: The Officers of such Regiment, Troop or Company, who shall be found guilty, shall die for it; and of the Soldiers who shall consent thereunto, every Tenth-man by Lot shall be hanged, and the rest shall be punished at the discretion of the General or Commander in Chief. But all such Officers or Soldiers as can prove, that they did their outmost to Resist and avoid such a Treaty, and were no ways partakers of the Crime, shall not only go free; but also be rewarded for their Constancy and Fidelity.

9 Whoever shall go about to entice or perswade either Officer or Soldier to joyn or engage in any Traiterous or rebellious Acts, either against His Majesty

Hy or *Kingly Government*, shall suffer Death for it. And whoever shall not reveal to his Superior Officer, such a Conspiracy or intended Rebellion, so soon as ever it shall come to his knowledge, shall be judged equally guilty with the Contrivers of such a Plot or Conspiracy, and consequently shall suffer the same penalty.

10. If any Officer or Soldier shall behave himself disrespectfully towards the General, Lieutenant General, or other Chief Commander of the Army, or speak words tending to his hurt, or dishonour, he shall die for it.

11. Whosoever in presence of the General, Lieutenant General, or other Commander in Chief, shall draw his Sword, with a purpose to do any Officer, or any of his fellow Soldiers a mischief, shall die for it.

12. Such respect and obedience as is due to the General, or other Chief Officer from these under his Command, shall be likewise given to all Superior Officers, from their Inferiors, under the like penalty.

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13. Whosoever shall presume knowingly, To violat any Safe-guard, Conduct or Protection, given by His Majesty, the General, Lieutenant-General, or other Commander in Chief of the Forces, shall suffer Death.

14. If any number of Soldiers shall presume to assemble in order to take Counsel among themselves, for the demanding their Pay; any inferior Officers accessory thereunto shall suffer Death for it, as the Heads and Ring-leaders of such mutinous and seditious meetings, And if any Captain being privy thereunto, shall not suppress the same; or complain of it, he shall likewise be punished with Death.

15. No Officer or Soldier shall utter any words tending to sedition, mutiny or uproar, upon pain of Death, or suffering such punishments as shall be inflicted upon him by a Court-Martial; and whoever shall hear any mutinous or seditious words spoken, and shall not with all diligence possible, reveal the same to his Superior Officers or Commanders, shall be punished, as a Court Martial shall think fit.

16. If any inferior Officer or Soldier shall refuse to obey his Superior Officer, or quarrel with him, he shall be Casheered ; but if any shall presume to resist any Officer in the Execution of his Office, or shall strike, or lift up his hand to strike, or shall draw, or offer to draw his sword, or lift up any weapon against his Superior Officer, upon any pretence whatsoever, he shall suffer Death.

17. Every Soldier shall keep silence when the Army is Marching, Embatteling or taking up their Quarters (to the end that their Officers may be heard, and their Orders Executed) upon pain of Imprisonment, at the discretion of the Officers.

18. Whosoever shall in anger draw his Sword, whilst his Colours are fleeing, either in Battel, or upon a March, unless it be against the Enemy, shall run the Goad-loup.

19. When any March is to be made, every man who is sworn to his Colours, shall follow them; and whoever shall without leave stay behind, or depart above a mile from the Camp, or out of the

the Army without licence, shall march in Irons for such time as shall be thought fit.

20. When the Army or any part of them, shall march through, or lodge in the Countrey, none of them shall extort free-Quarter, or money from them, or shall commit any waste or spoil, or cut down Fruit-trees or Plants, deface Walks of Trees, Parks, Warrens, Fish-ponds, Houses or Gardens, tread down or otherwise destroy standing Corn in the Ear; neither shall they put their Horses into Meadows without leave from their Chief-officer, upon pain of severe Punishment: But if any Officer or Soldier shall wilfully burn any House, Barn, Stack of Corn, Hay or Straw, or any Ship, Boat or Carriage, or any thing which may serve for the Provision of the Army, without leave from the Commander in Chief, he shall suffer Death for it.

21. When the Army or any part thereof shall come to engage the Enemy in Fight, whoever shall run from his Colours (be he native, or stranger) or doth not defend them to the outmost

of his power, so long as they are in danger shall suffer Death for it; and whosoever shall at any other time run away from his Colours, shall suffer Death.

22. If any Regiment or Commanded Party shall not behave themselves in Fight against an Enemy, as they ought to do, they shall either die, or be put out of the Quarters, until by a notable Act they redeem their honour.

23. When it shall please God, that the Enemy is beaten, every man shall follow his Officer in the Chase: But whosoever shall presume to Pilladge or Plunder, until the Enemy be intirely beaten, and any misfortune happen, he shall suffer death, or such other punishment, as shall be pronounced against him by the General Court-martial; and the Pilladge so gotten shall be foreseited to the use of the sick and maimed Soldiers.

24. When any Town or place shall be taken (though by assault) no man shall presume to Pilladge any Church or Hospital without leave, much less to set fire to any Church, Hospital, School or Miln; neither shall they offer violence

lence to any Church-men, aged men, or women, maids or children, unless they be found actually in Arms against them, upon pain of Death; and whosoever shall Force a woman to abuse her (whether belonging to the Enemy or not) and the Fact be sufficiently proved against him, he shall certainly suffer death for it.

25. In what place soever it shall please God, that the Enemy shall be subdued and overcome; all the Ordnance, Ammunition and Victuals that shall be there found, shall be secured for His *Majesties* use, and for the better Relief of the Army; and one Tenth part of all the spoil shall be set a-part towards the relief of the sick and maimed Soldiers.

26. Whosoever shall take any General Officers as Prisoners, they shall present them to His *Majesty*, the General, or the Officer in Chief Commanding the Forces, who will reward them for their service; And whosoever shall take any other Prisoner, may keep to themselves the Officers and Volunteers, giving their names to the Marshal-General; but shall not put them to Ransom,

son ; without leave from His Majesty, or the Officer in Chief : And all privat Soldiers so taken Prisoners, are immediatly to be sent to the Marshal-General, who is to take them into his Custody.

27. If any Soldier shall be drunk in the Enemies Quarters, before they have wholly laid down their Arms , and yielded to Mercy, and any hurt , or mischief ensue thereupon, he shall be punished according to the prejudice, if it be general ; or with Irons, Bread and Water, if no hurt ensue.

28. All Officers whose charge it is, shall see the Quarters kept clean and neat , upon pain of severe punishment.

29. No Officer shall ly out all night from the Camp or Quarters, without his Superior Officers leave obtained for the same, upon pain of being punished for it, as a Court-Martial shall think fit ; Neither shall any Soldier or Officer go any by-way to the Camp, other than the common way laid out by Order, upon pain of being punished as aforesaid.

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But if any Officer shall without leave be absent from his Quarters a Week, he shall lose one Moneths Pay, and if longer, he shall be discharged from his Command and Place, as a man unfit to bear Office in the Army.

30. No Soldier shall presume to make any Alarm in the Quarters, by shooting of his Musket in the night, after the Watch is set, unless it be at an Enemy, upon pain of Death.

31. No Soldier shall in anger draw his Sword in any Camp, Post or Garrison, upon pain of Death.

32. After warning is given for setting the Watch by beat of Drum, or sound of Trumpet or Fife, if any Soldier shall absent himself without a reasonable cause, he shall be punished by ryding a Wooden-horse, or otherwise at the discretion of the Commander.

And whatever Soldier shall fail at the beating of a Drum, or sound of a Trumpet or Fife, or upon any Alarm given to repair to his Colours, with his Arms decently kept, and well fixed (unless there be an evident necessity to
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hinder him from it) he shall be clapt in Irons for it ; or suffer such other punishment, as a Court-Martial shall think fit.

33. Whoever makes known the Watch-word, without Order, or gives any other Word, but what is given by the Officer, shall suffer Death.

34. A Centinel, who is found sleeping, in any Post, Garison, Trench, or other place (while he should be upon his Duty) shall suffer Death, or such other punishment, as the Court-Martial shall inflict.

And if a Centinel or Perdew, shall forsake his place before he be releaved, or drawn off ; or upon discovery of an Enemy , shall not give warning to his Quarters, according to direction, he shall suffer Death, or such other punishment, as a Court-Martial shall think fit.

And likewise , if any Soldier employed as a Scout, shall not go upon that Service, so far as he is Commanded, or having discovered an Ambush, or approach of the Enemy, shall not return forthwith to give notice of it, or

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warning to his Quarters; or if he enter into any house, and there, or else where be found sleeping, or drunk, whilst he should be upon Duty, he shal suffer Death.

35. Whosoever shall do violence to any who shall bring Victuals to the Camp, or Garison, or shall take his Horse, or Goods shall suffer Death, or such other punishment, as he shall be sentenced to by a Court-Marshal.

If any presume to abuse, or beat his Host, or the Wife, Child, or Servant of his Host, where he is quartered, or billeted, he shall be put in Irons for it; and if he do it a second time, he shall be further punished, and the party wronged shall have amends made him; And if any presume to exact free quarter without leave from the Chief-Officer upon the place, they shall be severely punished at the discretion of a Court-Marshal.

36. No Soldier, or Officer shal use any reproachful, or provocking speech or act to another, upon pain of Imprisonment, and such other Punishment as a Court-Marshal shall think fit.

Nor shall any Soldier, or Officer pre-
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sume to send a Challenge to any other Officer or Soldier, to fight a Duel; neither shall any Soldier, or Officer presume to up-braid another for refusing a Challenge; And whosoever shall offend in either of these Cases; if he be an Officer, he shall lose his Place, and Command, whatever it be; and if a private Soldier, he shall ride the Wooden-Horse, and be further punished, as a Court-Marshal shall think fit: And if any Corporal, or other Officer, Commanding a Guard, shall willingly or knowingly suffer either Soldiers or Officers, to go forth to a Duel, or private Fight, he shall be punished for it by the sentence of a Court-Marshal.

And forasmuch, as all Officers of what Condition soever, have power to Part and Quell all Quarrells, Frays, and sudden Disorders, between Soldiers, and Officers, though of another Company, Troop or Regiment; and to commit the disorderly Persons to Prison, until their proper Officers be acquainted therewith; Whoever shall resist such an Officer (though of another Company, Troop, or Regiment) or draw his Sword upon him, shall

shall be severely punished, as a Court-Marshal shall appoint.

But if two, or more going into the Field to fight a Duel shall draw their Swords, or other Weapons, though neither of them fall upon the Spot, nor die afterwards of any Wound there received ; yet if they be Officers, they shall lose their Places ; and if common Soldiers, they shall be punished with riding the Wooden-horse, or otherwise, as a Court-Marshal shall direct. And lastly, in all Cases of Duels, the Seconds shall be taken as Principalls, and punished accordingly.

37 None shall be Mustered, but such as are compleatly Armed, viz. Each Horse-man shall have for his defensive Arms, Back, Breast and Pot ; and for his offensive Arms, a Sword not under three foot long in the Blade, and a Case of Pistols, the Barrels whereof not to be under 14. inches in length ; and each Trooper of the Guards is to have a Carabine, beside the aforesaid Arms. And the Foot to have each Soldier, a Sword, or Dagger for their Muskets ; and each Pik-man, a Pike of sixteen foot long,

and not under, and each Musquetier a Musquet with a Collar of Bandeliers, the Barrel of which Musquet to be about four foot long, and to contain a Bullet, 14 of which shall make a pound, running into the Barrel.

If any borrow Arms of another to pass the Muster withall; the Lender, if he be a Soldier, shall forfeit the value of the Arms so lent, to be taken out of his pay; and the borrower shall be severely punished.

38 None shall be allowed upon the Muster, who, by loss of Limbs, or otherwise is unfit for service, but by Order from His Majesty, or the Commander in Chief of the Forces.

39. No House-keeper, or Inhabitant in the vsual Quarters of His Majesties Guards of Horse or Foot, or in the vsual Quarters of any other Regiment or Garrison, shall be received or intertained in His Majesties Service, or pay, and Mustered as a privat Soldier without order from His Majesty, or the Commander in Chief of the Forces, nor shall any Officer demand, or receive directly, or indirectly any sum of money whatsoever

ver from any under his Command, for admitting and entertaining him in his Troop, Company, or Garison, upon pain of being Cashiered, or rendered incapable of being employed again in Army.

40. No Captain of a Troop, or Company shall upon pain of being rendered uncapable of ever serving in *His Majesties* Armies, be allowed to Muster any Servants in his Troop, or Company ; but these who are not only able, and fit for service, but also are bound by oath and pay to follow the Troop, or Company, and who duly and constantly appear in proper Arms at every Muster unless they have leave to be absent, which is not to be granted, but upon a real and necessary occasion; And whosoever shall present himself, or his horse in the Muster, to mislead the Muster-Master, or defraud *His Majesty*, shall suffer such punishment, as a Court-Marshal shall think fit.

41. No man shall presume to present himself to the Muster-Master to be enrolled in the Muster-Rolls by a Counterfeit, or wrong Name, or Sir-name, or place

place of Birth or Habitation, upon pain of running the Goad-loup, if he be a Foot-man; or forfaulting his Horse and Arms, if he a Horse-man.

42 If any Lieutenant, Cornet or Ensign shall discover, and make proof to a General Officer, or Collonel, that his Captain has made false Musters, the said Captain shall be Cashiered, and the Lieutenant, or Ensign discovering as aforesaid shall have the place of his Captain; and if Sergeant or Corporal shall discover, and make proof of false Musters, as aforesaid, he shall have for each time the sum of Five hundred Merks Scots Money, payable by the Pay-Master, at the first Muster immediately following the discovery so made. But, if upon Examination, his Accusation shall be found False and Malicious, in that case he shall be immediately Cashiered, and suffer such further punishment, as shall be judged fit by a Court-Martial.

43. If any Soldier shall be sick, wounded or maimed in His *Majesties* service, he shall be sent out of the Camp, or Quarters, to some fit place for his recovery,

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very, where he shall be provided for by the Officer appointed to take care of the sick and wounded Soldiers, and his wages or pay shall go on, and be duly payed, untill it doth appear, that he can be no longer serviceable in His *Majesties* Armies, and then he shall be sent by Pass to his Countrey, with money to bear his charges in his travel, or be otherwise provided for, as his case shall require.

44. All Captains shall use their utmost endeavours to have their Troops and Companies compleat, and full: And within two days after every General Muster, both the Captain, and the Muster-Master, shall send to the Commander in Chief of the Forces (if he requires it) and to the Treasurer, or Pay-Master of the Army, a perfect List and Roll of all the Officers, Troopers and Soldiers of their Troops and Companies that are in actual service, punctually expressing at the foot of the Rolls what new Officers, Troops and Soldiers have been intertained since the preceeding Muster, in lieu of such as have been Cashiered, or are Deceased, with the day

day when the one died, or went off, and the other intertained in his place.

45. All Commissions granted by His *Majesty*, the General or Commander in Chief of His *Majesties* Forces to any Officer in Pay, shall be brought to the Commissary of the Musters, and Secretary at War, who are to receive and enter the same in a Book fairly written; and no Commission-Officer shall be allowed in Muster without a Commission from His *Majesty*, or the Commander in Chief for the time being, and the same entered with the Commissary General of the Musters, or his Deputies, and Secretary at War.

46. No Commission-Officer after enrolment, and being Mustered, shall be Dismissed or Cashiered without order from His *Majesty*, or the Commander in Chief: But for Non-commission Officers, or private Soldiers, their Captains with approbation of their Colonells, or of the Governour of the Garrison, where they are, may discharge them, when they find cause; taking other Non-commission Officers, or Soldiers in their places; Provyded that such
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Colonell or Governour shall forthwith certifie the Muster-Master, that by their approbation, such Non-Commission-Officers, or Soldiers were discharged, and others taken in their places respectively; And in Quarters, and Garisons where there are only single Troops, or Companies, the Captains Certificats are forthwith to be sent, and accepted by the Muster-Master, expressing the day of each Non-Commission-Officers or Soldiers Discharge, or Death, and who was entertained in his place.

47. No Soldiers Duty either of Horse or Foot, shall be done by any other then the Soldier himself; but in case of Sicknesse and Disability, and other necessary cause, his Captain may dispense with his absence, without causing him to find another to serve in his stead.

48. The Muster-Master shall always (the night before) give notice to the Officer in Chief, commanding any Regiment, Troop, Company, or Garison, of the time and place for their Musters, that so the Officers and Soldiers may have time to make ready for their Mu-
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ster;

ster ; and upon every Muster, three Muster-Rolls are to be prepared of the respective Troops and Companies. In Which Rolls the names of all privat Soldiers are to be written Alphabetically, one of which Rolls is to be in parchment, for the Pay-Master, and to be subscribed ; as also another Roll, which the Muster-Master is to keep, by two Commission-Officers at the least of the respective Troops and Companies, together with the Muster-Master ; and the third Muster-Roll is to be subscribed only by the Muster-Master, which the Officer is to keep ; and no Rolls are to be allowed by the Muster-Master, and Pay-Master otherwise, than as *His Majestie* hes herein, or otherwise directed ; and the said Muster-Rolls are to be perfected forthwith upon every Muster.

49. If any Trooper, Dragoon, or Foot-Soldier shall lose or spoil his Horse or Arms, or any part thereof, by negligence, or Gaming, he shall remain in the Quality of an Pioner or Scavenger, till he be furnished with as good as were lost, at his own charge ; and if he be
not

not otherwise able, the one half of his Pay shall be deducted, and set a-part, for the providing of them, till he be re-furnished.

Neither shall any Soldier pawn or sell, or negligently, or willfully break his Arms, or any part thereof, or any Hatchets, Spade, Shovels, Pick-axes or other Materials of War, upon pain of sever punishment, at the discretion of a Court-Martial.

And where any Arms, or other Materials aforesaid shall be pawned or im-bazeled, they shall be forfeited and seized upon, for His *Majesties* use.

50. All Officers and Soldiers, and also the Muster-Masters not duely observing these Articles, and such other Orders, as shall be signified to them, shall be Cashiered, or suffer such other punishments, as His *Majesty*, the Commander in Chief of the Forces, or the Court-Martial shall appoint; nor shall any Muster-Master let any pass the Musters, but such as are duely qualified, upon pain of losing his Place.

51. None shall presume to spoil, sell, or convoy away, any Ammunition de-
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livered

livered unto him, upon pain of suffering Death, or such other punishment, as a Court-Martial shall think fit.

52. No Officer, Provider or Keeper of His *Majesties* Victuals, or Ammunition for the Forces, shall willingly embazel, or spoil, or give a false account of any part thereof, to whom he is to make his account, upon pain of suffering such Punishment, as a Court-Martial shall think fit.

53. No Commissary, or Victualer shall bring, or furnish the Camp with any unsound, or unfavory Victuals of what kind soever, whereby sickness may grow in the Army, or the Service be hindered; And if, upon examination before a Court-Martial, he shall be found guilty, he shall suffer such punishment as they shall think fit.

54. No Victualer, or seller of Beer, Ale or Wine, belonging to the Army, shall entertain any Soldier in his House, Booth, Tent or Hutt, after the warning-Piece, Tatloe or beat of Drum at night, or before the beating of the Revailles in the morning, nor shall any Soldier (within that time) be any where

where, but upon his Duty, or in his Quarters, upon pain of punishment, both of the Soldier, and Entertainer, at the discretion of a Court-Martial.

55. The Commission-Officers of every Regiment may hold a Court Marshal for that Regiment upon any necessary occasion: And the Provost-Marshal of every Regiment: As also the Martial of the Troop of Guards, shall have the same Privilege and Authority, in his own Regiment or Troop, as the Provost-Marshal-General hath in the Army or Camp; and likewise such Fees, as the Court-Martial shall allow.

56. Such as are Judges in any Court-Martial, shall take an oath for the due administration of Justice, according to these Articles; and where no particular Punishment is hereby assigned, according to their Consciences, the best of their understandings, and the Custom of War in like Cases; and shall Demean themselves orderly, in the hearing of Causes (as becomes the Gravity of such a Court) and before giving of Sentence, every Judge shall deliver his Vote and Opinion distinctly, and the Sentence

Sentence shall be according to the plurality of Vots; And if there happen to be an Equality of Votes, the President is to have a casting Vote.

And when the Sentence is to be given, the President shall pronounce it; after which the Provost-Marshal shall have warrant to cause execution to be done, according to the Sentence.

57. At the Courts-Martial, there shall be a Clerk, who is to be sworn, to make true and faithful Records of all the proceedings of that Court; and there shall be also such other Officers appointed, as shall be necessary; And the General Court-Martial may appoint, and limit the Fees of the Provost-Marshal-General, as they shall think fit.

58. All Controversies either between Soldiers and their Captains, or other Officers, or between Soldier and Soldier, relating to their military Capacities, shall be summarily heard and determined at the next Court-Martial of the Regiment.

59. In any matter which shall be Adjudged in any of the aforesaid Regimental Courts-Martiall, either of the Parties

Parties that finds himself aggrieved, may appeal to a Superior Court-Martial, who are to take care, that if the party appealing make not good his suggestion, Recompence be made to the other, for the trouble and charge of such an appeal.

60. In all Criminal Causes, which concern the Crown, the Advocat-General, or Judge-Advocat of His *Majesties* Army, shall inform the Court, and prosecute on His *Majesties* behalf.

61. No Officer, or Soldier shall presume to hinder the Provost-Marshal, his Lieutenants, or Servants in the execution of their Office, upon pain of Death, or such other Punishment, as the Court-Martial shall think fit; But on the contrary, all Captains, Officers and Soldiers shall do their outmost to apprehend, and bring to Punishment all Offenders; and shall assist the Officers of the Army, or Regiment for that purpose: Especially the said Provost-Marshal, his Lieutenant, and Servants; and if the Provost-Marshal, or his Officers, require the assistance of any Officer, or Soldier, in apprehending any person;

Person; Declaring to him that it is for a Capital-Crime, and the party escape for want of aid and assistance; the Party, or Parties refusing to aid, or assist, shall suffer such Punishment, as the Court-Martial shall inflict.

62. If any Officer, or Soldier shall presume to draw his Sword in any place of Judicature, while the Court is sitting, he shall be put to Death; And His Majesty doth hereby authorize the Provost-Marshal-General of the Army by his own Authority to apprehend such offenders; And if any Soldier being committed, for any offence, shall break Prison; the said Provost-Marshal-General, shall by his own Authority apprehend him, and the offender shall suffer Death, or such other Punishment, as the Court-Martial shall think fit.

63. If any Fray shall happen within the Camp, or place of Garrison, in any of the Soldiers Lodgings, or where they meet, it shall be enquired into by the Officers of the Regiment, and the beginners, and the Pursuers thereof punished, according to the quality of the Offence.

64. If

64. If any Inferior Officer, either of Horse or Foot, be wronged by his Officer, he may complain to his Colonell, or other Superior Officer of the Regiment, who is to redress the same upon due proof made of the wrong done; but if he fail therein, the party aggrieved is to apply to the General-Officer for redress; and if the accusation be false, the Complainer is to suffer such punishment as the Officer should have done; if he had been found guilty.

65. If any Colonell or Captain shall force, or take any thing away from any privat Soldier, such Colonell or Captain shall be punished, according to the quality of the Offence, by the Judgement of a Court-Martial; but if a Soldier shall be wronged, and shall not appeal to the Court, or his Superior Commanders, but take his own satisfaction for it, he shall be punished by the Judgement of a Court-Martial.

66. If any Soldier die, no other shal take or spoil his Goods, upon pain of restoring double the value to whom they belong, and of such further punishment

as the Court-Martial shall think fit; but the Captain of the Company to which such Soldier did belong, shall take the saids Goods into his Custody, and dispose of them for paying his Quarters, and keep the Over-plus (if any be) for the use of such to whom they belong, as shall claim the same within three moneths after his Death; and if any Captain or Officer die, the Chief-Commander shall take care of preserving his Estate in likemanner.

67. No Provost-Marshal shall refuse to receive or keep a Prisoner sent to his Charge by Authority, or shall dismiss him without Order, upon pain of such punishment, as a Court-Martial shall think fit. And if the Offence, for which the Prisoner was apprehended, deserved Death, the Provost-Marshal failling to receive and keep him, as aforesaid, shall be lyable to the same punishment.

68. If the Provost-Marshal commit any Person by his own Authority, without other Command, he shall acquaint the Generall, or other Chief-Commander of the cause thereof, with-
in

in 24 houres: And the Provost-Marshal shall thereupon dismiss him, unless he have Order to the contrary.

69. No man shall presume to use any Braving, or Menacing Words, Signs, or Gestures, where any of the forsaide Courts of Justice are sitting, upon pain of suffering such punishment, as the Court-Martial shall inflict.

70 Where any Sentence of Death is given out in the Court-Martial, it shall be read by the Register of the Court, in the presence of the Condemned Person, and Signed by the President; thereafter it shall be given to the Generall, or Chief-Officer, who may, notwithstanding suspend the same, untill he shall acquaint His Majesty, or see it put in Execution, as he shall think fit.

71. In the General-Court-Martial shall allways preside one of the Great Officers of the Army; likeas, in a Regimental-Court-Martiall, the Colonell, or other Field-Officer; and when a Court-Martial shall be held for the Horse, the Captain of the Guard shall

prefide; or a General-Officer, who, after taking the Oath aforesaid, shall proceed to give their Judgement, untill Sentence shall be pronounced against the Delinquents, or the matter controverted.

72. Whatsoever shall be Directed by His *Majesty*, the General, or other Superior-Officer, shall be published by beat of Drum, or sound of Trumpet, that no man may pretend ignorance thereof; and whosoever shall be found disobedient, or faulty against what is so published, shall be punished, conform to the pains contained in the Proclamation, or these Articles.

It

IT is Our Royall Will and Pleasure,
That these Articles, and Rules, in
number Seventy two, be forthwith
Printed and Published, at the first
Muster of Our Forces, after the Date
hereof; and at such other times, as Our
General, Lieutenant-General, or Com-
mander in Chief of Our Forces shall
Direct, Which is to be done in the
most publick manner, at the head of
every Regiment, Troop, or Company:
For the performance whereof, This
shall be to all Persons that may be there-
in concerned, a sufficient Warrant.

Given at Our Court, at *White-hall*
the 22. Day of *April*. 1686. And
of Our Reign the Second Year.

By His *Majesties* Command,
MELFORT.





